

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:11-CR-24-RLV**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
COURTNEY COWAN,)
)
Defendant.)
_____)

PRELIMINARY ORDER OF FORFEITURE

THIS MATTER is before the Court on the Government's Motion for Preliminary Order of Forfeiture. (Doc. 40.) The Bill of Indictment in this case included a notice of forfeiture, as required by Federal Rule of Criminal Procedure 32.2(a). (Doc. 1.) Following trial, the jury issued a general verdict, finding Defendant Cowan guilty of Count One as set forth in the Bill of Indictment (Doc. 33), and a special verdict, finding that one Smith & Wesson .38-caliber revolver was involved in or used in the firearms violation of which Defendant Cowan was convicted (Doc. 34). The Court finds that the requisite nexus has been established between the aforementioned revolver and the offense of which Defendant Cowan has been convicted, and that the revolver is subject to forfeiture per 18 U.S.C. § 924(d).

IT IS, THEREFORE, ORDERED that Defendant's interest in the Smith & Wesson .38-caliber revolver be forfeit and that such forfeiture be subject to any and all third-party claims and interests pending final adjudication. Pending final adjudication, the Government is authorized to maintain custody of the revolver and is to publish or send any notice pursuant to Federal Rule of Criminal Procedure 32.2(b)(6). Any person, other than Defendant, asserting any legal interest in the specifically identified property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the Court for a hearing to adjudicate

the validity of the alleged interest. *See* 21 U.S.C. § 853(n); 28 U.S.C. § 2461(c). Following the Court's disposition of all timely petitions filed, a final order of forfeiture shall be entered. If no third party files a timely petition, this Order shall become the final order and judgment of forfeiture, as provided by Federal Rule of Criminal Procedure 32.2(c)(2), and the United States shall have clear title to the property and shall dispose of the property according to law.

Signed: December 2, 2011

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

